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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

KODY BROWN, MERI BROWN, JANELLE
BROWN, CHRISTINE BROWN, ROBYN
SULLIVAN,

Plaintiffs,

vs.

GARY R. HERBERT, in his official capacity as
Governor of Utah; MARK SHURTLEFF, in his
official capacity as Attorney General of Utah;
JEFFREY R. BUHMAN, in his official capacity
as County Attorney for Utah County,

Defendants.

JUDGMENT IN A CIVIL CASE

Case: 2:11CV00652

Judge Clark Waddoups

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Utah Code Ann. § 76-7-101(2013) is facially unconstitutional in that the phrase “or cohabits with another person” is a violation of the Free Exercise Clause of the First Amendment to the United States Constitution and is without a rational basis under the Due Process Clause of the Fourteenth Amendment; to

preserve the integrity of the statute, as enacted by the Utah State Legislature, the Court hereby severs the phrase “or cohabits with another person” from Utah Code § 76-7-101; it is further

ORDERED, ADJUDGED AND DECREED that the statute is susceptible to and the Court hereby adopts a narrowing construction of the terms “marry” and “purports to marry” to remedy any constitutional infirmity of the remainder of the statute and that portion of the statute is upheld as constitutional; it is further

ORDERED, ADJUDGED AND DECREED that the Plaintiffs, as prevailing parties in an action for enforcement of civil rights under 42 U.S.C. § 1983, may be entitled to an award of attorney fees under 42 U.S.C. § 1988 upon further and proper application.

DATED this _____ day of _____, 2014.

D. Mark Jones
Clerk of the Court

APPROVED AS TO FORM:

Jonathan Turley, Attorney for Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing **JUDGMENT IN A CIVIL CASE** was served by electronically filing the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/Sherri L.Cornell
Secretary